MULTIMEDIA UNIVERSITY

STUDENT ID NO

MULTIMEDIA UNIVERSITY

FINAL EXAMINATION

TRIMESTER 1, 2019 / 2020 SESSION

UIL2712 – ISLAMIC LAW I

(All Sections / Groups)

19 OCTOBER 2019
Reading Time: 09:00 a.m. – 09:15 a.m.
(15 Minutes)
Answering Time: 09:15 a.m. – 12:15 p.m.
(3 Hours)

INSTRUCTIONS TO STUDENT

1. Students will have **fifteen minutes** during which they may read the paper and make rough notes only in their question paper. Students then have the remaining **three hours** in which to answer the questions.

2. This Question paper consists of 3 pages with 5 questions only.

3. Attempt **ONE** question in **PART A** and **ALL** questions in **PART B** which are **COMPULSORY**. The distribution of the marks for each question is given.

4. Students are allowed to bring in CLEAN and ORIGINAL COPY of the following into the exam venue:
   i. The Translation of the Holy Quran

   "Clean" is defined to include no tagging, no annotation either by the publisher or anyone else, and no erased marking. Highlighting and underlining are also prohibited.

5. Please write all your answers in the Answer Booklet provided.

PART A - CHOOSE ONE (1) QUESTION ONLY

QUESTION 1
Answer a) and b)

a) *"...O you who have believed, indeed, intoxicants, gambling, [sacrificing on] stone alters [to other than Allah], and divining arrows are but defilement from the work of Satan, so avoid it that you may be successful...."*

(Chapter *Al Maidah*: 90)

i) Highlight the original case in the above statement,

(3 marks)

ii) Identify the *Illah* in the above case,

(3 marks)

iii) What is the *Hukm* mentioned in the verse,

(3 marks)

iv) Propose a relevant case which can be *Far'u* (new case).

(3.5 marks)

(12. 5 marks)

AND

b) Muslim scholars have stipulated a few conditions for the validity of *Ijma'*.

Discuss those conditions in the light of the above source.

(12.5 marks)

[Total: 25 marks]

OR

Continued...

QUESTION 2

In our modern life, it is observed that sometimes there are some matters and life practices that require clarifications on their Islamic legal rulings. In such cases, the jurists will play their role to address the issue by referring to the available sources; mainly Quran and Sunnah, being the primary sources. In the event it is not found in form of final text in Quran then the jurist will recourse to Sunnah.

Explain in detail the application of Sunnah as a supplement to Quran, its types as well as classifications.

[Total: 25 marks]

PART B – ANSWER ALL QUESTIONS

QUESTION 3
Answer a) and b)

a) It is considered as an important source of law in the changing and sometimes unprecedented situations in the world nowadays. It is also a principle that allows us to leverage tools used in contemporary fields such as economics, science and governance to synthesize laws and rules that benefit us provided that they are in consonance with the principles of the Syariah.

Based on the above identify the source of law. Define it and give three (3) examples of its application during the reign of Khulafa' Al- Rasyidin or the Four(4) Rightly Guided Caliphs.

(10 marks)

b) Jurists unanimously agreed that the *fatwa al sahabi* is a proof and binding, when it is accepted by all other companions. However there are conflicts among jurists as to whether the saying or fatwa of a single companion should also be recognised a proof.

Discuss the views of jurists with reference to the Holy Quran and Sunnah of the Prophet.

(15 marks)
[Total: 25 marks]

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QUESTION 4

Istishab literally means companionship. In technical usage, it refers to a rational proof which is presumption of continuity of the previous facts in the absence of other proofs. For example, when the contract is concluded, it presumes the continuity of its validity till the change is established by the evidence. This proof has been validated by the Shafi'i and Hanbali jurists, while others do not deem it as evidence in Islamic law.

(a) In the light of the above statement, discuss the opinion of jurists on the validity of *Istishab* as source of Islamic Law, with their basis of opinion in accepting and rejecting the concept.

(13 marks)

(b) Explain the types of *Istishab* and the examples of situation relevant to it.

(12 marks)

[Total: 25 marks]

QUESTION 5

a) Explain views of Muslim scholars with justifications on how *Istihsan* is used in establishing a legal ruling.

(12.5 marks)

b) The Islamic jurists may extend the application of moderate and liberal approach in choosing the right *mazhab* in issuing a fatwa in Malaysia.

Do you agree on the statement?

(12.5 marks)

[Total: 25 marks]

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